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| 09/713,843      | 11/15/2000  | Peter R. Berg        | 37337-6023          | 4800             |

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EXAMINER

PILLAI, NAMITHA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2173

DATE MAILED: 01/14/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,843

Applicant(s)

BERG ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that in Figures 11A-D, the boxes with a clear label of what they represent as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction, in red ink, or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the phrase "one of the" is unnecessary in page 8, line 8 of the specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected for reciting the limitation "a bounded subfield area" in referring to the map area. There is insufficient antecedent basis for this limitation in the claims. In claim 7, there is a reference to a bounded subfield area and it is not clear whether this bounded subfield area is referring to that from claim 7 or another bounded subfield area.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 583, 794 B1 (Wattenberg).

Referring to claim 1, Wattenberg discloses methods for processing user criteria to retrieve a portion of data and display it to the user (column 2, lines 37-39). Wattenberg discloses receiving user input that specifies a subset of data with respect to multiple data criteria (Figure 9 and column 16, lines 16-18). Wattenberg also has means for retrieving the data subset from the data and displaying the data in a map format, such that the data is defined by a two-dimensional field array of information, wherein the field array of the display is divided into a plurality of two-dimensional bounded field areas, each of which has a display area that is indicative of a first data criteria of the data subset, and wherein the area of each bounded field area is further divided into subfield areas, each of which has an area that is indicative of a second data criteria of the data subset (Figure 2A). Wattenberg also discloses displaying a subfield detail window adjacent to one of the subfield areas in response to moving a display cursor over a boundary of the bounded subfield area to show data relating to the bounded subfield area (column 9, lines 8-11) and displaying a menu window adjacent to the bounded subfield area in response to a mouse click on the bounded subfield area such that the menu window shows information relating to the bounded subfield area data subset and can receive user criteria from the user to specify additional information relating to the bounded subfield area (column 9, lines 14-20 and lines 29-31).

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Referring to claim 2, Wattenberg discloses a menu array window specifying information relating to the bounded subfield area (reference number 204, Figure 2B).

Referring to claim 3, Wattenberg discloses that the subfield detail window, shown as the pop-up window remains in display as long as display cursor is located over the subfield area (column 9, lines 8-20), wherein the pop-window remains displayed until the mouse is moved away from the current item.

Referring to claim 4, Wattenberg discloses that the menu array window includes one or more hyperlinks for an offering represented by the bounded sublevel area (reference number 210, Figure 2B), wherein these items on the menu represent hyperlinks to further information about an item.

Referring to claim 5, Wattenberg discloses that each subfield area includes an attribute that is indicative of a third data criteria of the data subset (column 3, lines 37-40).

Referring to claim 6, Wattenberg discloses that the attribute of the subfield display areas is screen color that indicates the magnitude of the third data criteria (column 3, lines 37-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wattenberg and U. S. Patent No. 5, 960, 411 (Hartman et al.), herein referred to as Hartman.

Referring to claim 7, Wattenberg discloses presenting information regarding plural products on the screen for perusal and selection by a user (column 2, lines 60-67). Wattenberg discloses displaying a page with product review information, the product review page comprising one or more two-dimensional, bounded field areas, each bounded field area corresponding to a particular product category, the product information displayed in a map format (Figure 2A). The one or more bounded field areas is divided into plural bounded subfield area, each of the bounded subfield areas corresponding to and representing a product, and wherein each bounded subfield area has a first attribute that is indicative of a first characteristic of the corresponding product (column 3, lines 7-11 and lines 36-39). Wattenberg discloses a menu window on the display screen (reference number 204, Figure 2B) but does not explicitly disclose that it provides the user with the ability to insert any product corresponding to a subfield area into an electronic shopping cart. Wattenberg also does not disclose an order button through which the data elements which the user wishes to purchase are accepted by the user for purchasing. Hartman discloses a web based purchasing system, that provides the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase (reference number 102 and 103, Figure 1A and column 4, lines 5-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Hartman to provide the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase. Wattenburg's invention clearly configuring the computer interface for making Internet purchases of products through such sites as amazon.com (column 16, lines 53-58). Hartman clearly is such a site, as one referred to by Wattenberg wherein products are

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purchased with shopping carts on the Internet and final purchases being made with one single action button. Hence, with the implementation of such an e-commerce website and even further the disclosure of the use of shopping carts by Wattenberg (column 17, lines 13-25), it clearly would have been obvious for Wattenberg to learn from Hartman to allow the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase.

Referring to claim 8, Wattenberg discloses that all of the bounded field areas and subfield areas of the product review page are simultaneously contained within a single viewable region of the computer display screen (Figure 2A).

Referring to claims 9, 21 and 31, Wattenberg discloses that the first attribute of the bounded subfield area comprises a two-dimensional size of the bounded subfield area (column 3, lines 36-39).

Referring to claims 10, 22 and 33, Wattenberg discloses that the attribute of the subfield display areas is screen color that indicates the magnitude of the third data criteria (column 3, lines 37-40).

Referring to claims 11, 20 and 32, Wattenberg discloses the bounded subfield area has a second attribute that is indicative of a characteristic of the corresponding product (column 3, lines 36-39).

Referring to claim 12, Wattenberg discloses that the first attribute of the bounded subfield areas comprises the size of the bounded subfield area and the second attribute of the bounded subfield area comprises the color of the bounded subfield area (column 3, lines 36-39).

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Referring to claim 13, Wattenberg discloses that the subfield area that represent a particular product having a first characteristic are grouped together with subfield areas that represent products that have a characteristic similar to the first characteristic (column 3, lines 1-4).

Referring to claim 14, Wattenberg discloses that the first visible attribute of the subfield areas is indicative of the price of the corresponding product (column 10, lines 7-11).

Referring to claim 15, Wattenberg discloses displaying a field detail window adjacent to one of the bounded subfield areas in response to moving a display cursor over a boundary of the bounded subfield areas to show a data relating to the product corresponding to the bounded subfield area (column 9, lines 8-11).

Referring to claims 16 and 30, Wattenberg discloses a menu box adjacent to the bounded subfield area in response to a mouse click on the bounded subfield area and the menu box includes menu items that may be selected for accessing information related to one or more products (column 9, lines 14-17).

Referring to claim 17, Wattenberg and Hartman disclose displaying products for an e-commerce system where consumers can compare all the available offerings of the product (Hartman, column 16, lines 53-56). Coffee products would be included in these products, and wherein coffee type would be an attribute through which the coffee products would be grouped. It would have been obvious at the time of the invention for Wattenberg and Hartman to include coffee products and display a map of coffee products to the user. Wattenberg does disclose displaying products of all kinds, which would include coffee products.



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Referring to claims 18 and 25, Wattenberg discloses that the first attribute of each subfield area is the two-dimensional screen size of the subfield area and wherein the two dimensional size of each subfield area is indicative of a purchase price of the product represented by the subfield area (column 17, lines 32-34).

Referring to claim 19, Wattenberg discloses means for displaying information on a computer display for perusal and selection by a user, the information being related to plural data elements, each data element belonging to a data category and being defined by one or more dimensions of a given magnitude (column 2, lines 60-67 and Figure 2A). Wattenberg also has means for retrieving the data subset from the data and displaying the data in a map format, such that the data is defined by a two-dimensional field array of information, wherein the field array of the display is divided into a plurality of two-dimensional bounded field areas, each of which has a display area that is indicative of a first data criteria of the data subset, and wherein the area of each bounded field area is further divided into subfield areas, each of which has an area that is indicative of a second data criteria of the data subset (Figure 2A and column 3, lines 1-5).

Wattenberg discloses that all of the bounded subfield areas and subfield areas of the product review page are simultaneously contained within a single viewable region of the computer display screen (Figure 2A). Wattenberg also discloses displaying a subfield detail window adjacent to one of the subfield areas in response to moving a display cursor over a boundary of the bounded subfield area to show data relating to the bounded subfield area (column 9, lines 8-14) and displaying a menu window adjacent to the bounded subfield area in response to a mouse click on the bounded subfield area such that the menu window shows information relating to the bounded subfield area data subset and can receive user criteria from the user to specify additional

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information relating to the bounded subfield area (column 9, lines 14-20 and lines 29-34).

Wattenberg discloses a menu window on the display screen (reference number 204, Figure 2B) but does not explicitly disclose that it provides the user with the ability to insert any product corresponding to a subfield area into an electronic shopping cart. Wattenberg also does not disclose an order button through which the data elements, which the user wishes to purchase, are accepted by the user for purchasing. Hartman discloses a web based purchasing system, that provides the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase (reference number 102 and 103, Figure 1A and column 4, lines 5-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Hartman to provide the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase. Wattenburg's invention clearly configuring the computer interface for making Internet purchases of products through such sites as amazon.com (column 16, lines 53-58). Hartman clearly is such a site, as one referred to by Wattenberg wherein products are purchased with shopping carts on the Internet and final purchases being made with one single action button. Hence, with the implementation of such an e-commerce website and even further the disclosure of the use of shopping carts by Wattenberg (column 17, lines 13-25), it clearly would have been obvious for Wattenberg to learn from Hartman to allow the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase.

Referring to claim 23, Wattenberg discloses that the data elements are descriptive of products that are available for purchase (column 16, lines 53-56).

Referring to claim 24, Wattenberg discloses that the data elements of this system are stored in a data store that is local to the computer device (Figures 1a and 1b and column 8, lines 5-25).

Referring to claim 26, Wattenberg discloses a menu array window that provides options to accept criteria by which the user can cause the computer to revise the attributes of the bounded subfield to be indicative of a different set of dimensions of the subfields within a particular data category (column 9, lines 30-40).

Referring to claim 27, Wattenberg discloses that a menu array window provides the option to accept criteria by which the user can cause the computer to display only data elements having a dimension within a given value range (column 9, lines 41-43).

Referring to claim 28, Wattenberg and Hartman disclose that the data elements describe products that are available for purchase and wherein the button item allows the user to initiate a purchase transaction with respect to any data elements in the shopping cart (Hartman, column 4, lines 5-30 and Figure 1A).

Referring to claim 29, Wattenberg discloses methods for processing user criteria to retrieve a portion of data and display it to the user (column 2, lines 37-39). Wattenberg discloses receiving user input that specifies a subset of data with respect to multiple data criteria (Figure 9 and column 16, lines 16-18). Wattenberg discloses displaying a page with product review information, the product review page comprising one or more two-dimensional, bounded field areas, each bounded field area corresponding to a particular product category, the product information displayed in a map format (Figure 2A). The one or more bounded field areas is divided into plural bounded subfield area, each of the bounded subfield areas corresponding to

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and representing a product, and wherein each bounded subfield area has a first attribute that is indicative of a first characteristic of the corresponding product (Figure 2A and column 3, lines 36-39). Wattenberg discloses that all of the bounded subfield areas and subfield areas of the product review page are simultaneously contained within a single viewable region of the computer display screen (Figure 2A). Wattenberg discloses a menu window on the display screen (reference number 204, Figure 2B) but does not explicitly disclose that it provides the user with the ability to insert any product corresponding to a subfield area into an electronic shopping cart. Wattenberg also does not disclose an order button through which the data elements, which the user wishes to purchase, are accepted by the user for purchasing. Hartman discloses a web based purchasing system, that provides the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase (reference number 102 and 103, Figure 1A and column 4, lines 5-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Hartman to provide the user with the ability to insert any product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase. Wattenburg's invention clearly configuring the computer interface for making Internet purchases of products through such sites as amazon.com (column 16, lines 53-58). Hartman clearly is such a site, as one referred to by Wattenberg wherein products are purchased with shopping carts on the Internet and final purchases being made with one single action button. Hence, with the implementation of such an e-commerce website and even further the disclosure of the use of shopping carts by Wattenberg (column 17, lines 13-25), it clearly would have been obvious for Wattenberg to learn from Hartman to allow the user with the ability to insert any

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product into an electronic shopping cart and with an order button to purchase the data elements that the user wishes to purchase.

***Response to Arguments***

6. Applicant's arguments filed 8/8/03 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a method for displaying a treemap of information for users.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231.

If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

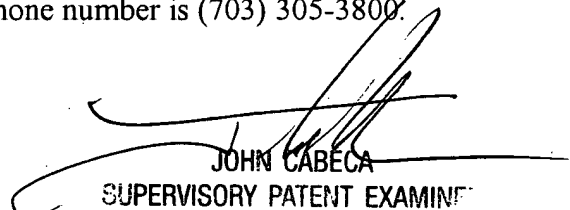
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
January 8, 2004

  
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